	UNITED STATES	DISTRICT COURT
	WESTERN DISTRIC	
ATAIN SPECIALTY	INSURANCE	
COMPANY, a Michig		NO. 3:21-CV-5689
Pla	intiff,	DEFENDANTS KATIE MOSS AND CODY MACFADYEN'S ANSWER AND
v.		AFFIRMATIVE DEFEMSES
corporation; JEREMY	MOSS, an individual;	
Def	endants.	
Defendants M Insurance Company's	• ,	fendants") answer Plaintiff Atain Specialty
	I. PARTIES AN	ND JURISDICTION
1.1 Defend	ants lack knowledge or inf	formation sufficient to form a belief about the
truth of the allegations	and therefore denies.	
1.2 Defen	dants lack knowledge or i	nformation sufficient to form a belief about
the truth of the allegat	ions and therefore denies.	
DEFENDANTS MOSS A	ND	Community Law Ormone made

DEFENDANTS MOSS AND MACFADYEN'S ANSWER - 1 of 9 (Cause No. 3:21-CV-5689)

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1	1.3	Defendants lack knowledge or information sufficient to form a belief about the
2	truth of the a	llegations and therefore denies.
3	1.4	Deny.
4	1.5	Deny.
5	1.6	Admit.
6	1.7	Defendants lack knowledge or information sufficient to form a belief about the
7	truth of the a	llegations and therefore denies.
8	1.8	Defendants lack knowledge or information sufficient to form a belief about the
9	truth of the a	llegations and therefore denies.
10		II. PARTIES AND JURISDICTION
11	2.1	Defendants lack knowledge or information sufficient to form a belief about the
12	truth of the a	llegations and therefore denies.
13	2.2	Defendants lack knowledge or information sufficient to form a belief about the
14	truth of the a	llegations and therefore denies.
15	2.3	Defendants lack knowledge or information sufficient to form a belief about the
16	truth of the a	llegations and therefore denies.
17	2.4	Defendants lack knowledge or information sufficient to form a belief about the
18	truth of the a	llegations and therefore denies.
19	2.5	Defendants lack knowledge or information sufficient to form a belief about the
20	truth of the a	llegations and therefore denies.
21	2.6	Defendants lack knowledge or information sufficient to form a belief about the
22	truth of the a	llegations and therefore denies.
23		

	2.7	Defendants lack knowledge or information sufficient to form a belief about the	
	truth of the allegations and therefore denies.		
	2.8	Defendants lack knowledge or information sufficient to form a belief about the	
	truth of the al	legations and therefore denies.	
	2.9	Defendants lack knowledge or information sufficient to form a belief about the	
	truth of the al	legations and therefore denies.	
	2.10	Defendants lack knowledge or information sufficient to form a belief about the	
	truth of the al	legations and therefore denies.	
	2.11	Admit.	
	2.12	Admit in part, the underlying Complaint alleges negligent supervision for	
	permitting So	enske to become intoxicated at work, and thereby causing damages. Deny	
	remainder of	allegations.	
	2.13	Admit.	
	2.14	Admit.	
	2.15	Admit.	
	2.16	Admit in part, the underlying Complaint alleges negligent supervision for	
	permitting Senske to become intoxicated at work, and thereby causing damages. Deny		
remainder of allegations.			
	2.17	Admit in part, the underlying Complaint alleges negligent supervision for	
	permitting So	enske to become intoxicated at work, and thereby causing damages. Deny	
remainder of allegations.			
	2.18	Admit.	

2.19	Defendants lack knowledge or information sufficient to form	a belief about the
truth of the al	allegations and therefore denies.	
2.20	Defendants lack knowledge or information sufficient to form	a belief about the
truth of the al	allegations and therefore denies.	
2.21	Defendants lack knowledge or information sufficient to form	a belief about the
truth of the al	allegations and therefore denies.	
2.22	Defendants lack knowledge or information sufficient to form	a belief about the
truth of the al	allegations and therefore denies.	
	III. <u>CAUSES OF ACTION</u>	
3.1	Defendants lack knowledge or information sufficient to form	a belief about the
truth of the al	allegations and therefore denies.	
3.2	Admit, in part. Defendants Moss and MacFadyen make cl	aims for damages
arising from l	Defendant AMCE's negligent supervision of Defendant Senske	.
3.3	Defendants lack knowledge or information sufficient to form	a belief about the
truth of the al	allegations and therefore denies.	
3.4	Defendants lack knowledge or information sufficient to form	a belief about the
truth of the al	allegations and therefore denies.	
3.5	Defendants lack knowledge or information sufficient to form	a belief about the
truth of the al	allegations and therefore denies.	
3.6	Defendants lack knowledge or information sufficient to form	a belief about the
truth of the al	allegations and therefore denies.	
3.7	Defendants lack knowledge or information sufficient to form	a belief about the
truth of the al	allegations and therefore denies.	
DEFENDANTS	TS MOSS AND CONNELLY LAW	OFFICES PLIC

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3.8	Defendants lack knowledge or information sufficient to form a belief about the	
truth of the allegations and therefore denies.		
3.9	Defendants lack knowledge or information sufficient to form a belief about the	
truth of the a	llegations and therefore denies.	
3.10	Defendants lack knowledge or information sufficient to form a belief about the	
truth of the a	llegations and therefore denies.	
3.11	Defendants lack knowledge or information sufficient to form a belief about the	
truth of the a	llegations and therefore denies.	
3.12	Defendants lack knowledge or information sufficient to form a belief about the	
truth of the a	llegations and therefore denies.	
3.13	Defendants lack knowledge or information sufficient to form a belief about the	
truth of the a	llegations and therefore denies.	
3.14	Deny.	
3.15	Deny.	
3.16	Deny.	
3.17	Defendants lack knowledge or information sufficient to form a belief about the	
truth of the allegations and therefore denies.		
3.18	Defendants lack knowledge or information sufficient to form a belief about the	
truth of the allegations and therefore denies.		
3.19	Defendants lack knowledge or information sufficient to form a belief about the	
truth of the a	llegations and therefore denies.	
3.20	Defendants lack knowledge or information sufficient to form a belief about the	
truth of the allegations and therefore denies.		
DEFENDANTS MOSS AND		

Ш				
	3.21	Defendants lack knowledge or information sufficient to form a belief about the		
	truth of the allegations and therefore denies.			
	3.22	Defendants lack knowledge or information sufficient to form a belief about the		
	truth of the al	legations and therefore denies.		
	3.23	Admit, in part. Defendants Moss and MacFadyen make claims for damages		
	arising from l	Defendant AMCE's negligent supervision of Defendant Senske.		
	3.24	Defendants lack knowledge or information sufficient to form a belief about the		
	truth of the al	legations and therefore denies.		
	3.25	Defendants lack knowledge or information sufficient to form a belief about the		
	truth of the al	legations and therefore denies.		
	3.26	Deny.		
	3.27	Defendants lack knowledge or information sufficient to form a belief about the		
	truth of the al	legations and therefore denies.		
	3.28	Defendants lack knowledge or information sufficient to form a belief about the		
	truth of the al	legations and therefore denies.		
	3.29	Defendants lack knowledge or information sufficient to form a belief about the		
	truth of the al	legations and therefore denies.		
	3.30	Defendants lack knowledge or information sufficient to form a belief about the		
truth of the allegations and therefore denies.				
	3.31	Defendants lack knowledge or information sufficient to form a belief about the		
	truth of the al	legations and therefore denies.		
	3.32	Defendants lack knowledge or information sufficient to form a belief about the		
	truth of the al	legations and therefore denies.		
	DEFENDANTS	MOSS AND		

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1	3.33	Deny.		
2	3.34	Deny.		
3	3.35	Deny.		
4	3.36	Defendants lack knowledge or in	nformation sufficient to form a bel	ief about the
5	truth of the al	legations and therefore denies.		
6	3.37	Defendants lack knowledge or in	nformation sufficient to form a bel	ief about the
7	truth of the al	legations and therefore denies.		
8	3.38	Defendants lack knowledge or in	nformation sufficient to form a bel	ief about the
9	truth of the al	legations and therefore denies.		
10	3.39	Defendants lack knowledge or in	nformation sufficient to form a bel	ief about the
11	truth of the al	legations and therefore denies.		
12	3.40	Defendants lack knowledge or in	nformation sufficient to form a bel	ief about the
13	truth of the al	legations and therefore denies.		
14	3.41	Defendants lack knowledge or in	nformation sufficient to form a bel	ief about the
15	truth of the al	legations and therefore denies.		
16	3.42	Defendants lack knowledge or in	nformation sufficient to form a bel	ief about the
17	truth of the al	legations and therefore denies.		
18	3.43	Defendants lack knowledge or in	nformation sufficient to form a bel	ief about the
19	truth of the al	legations and therefore denies.		
20	3.44	Defendants lack knowledge or in	nformation sufficient to form a bel	ief about the
21	truth of the al	legations and therefore denies.		
22	3.45	Defendants lack knowledge or in	nformation sufficient to form a bel	ief about the
23	truth of the al	legations and therefore denies.		
	DEFENDANTS	MOSS AND	CONNELLY LAW OFF	ICES PLIC

DEFENDANTS MOSS AND MACFADYEN'S ANSWER - 7 of 9 (Cause No. 3:21-CV-5689)

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- **3.46** Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations and therefore denies.
- **3.47** Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations and therefore denies.
- **3.48** Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations and therefore denies.

Defendants deny allegations which are not specifically addressed above. Defendants further deny that Plaintiff is entitled to any relief requested in its prayer for relief, including subparagraphs (A) through (G).

IV. <u>AFFIRMATIVE DEFENSES</u>

Discovery and investigation may reveal that one or more of the following affirmative defenses may be available to Defendants in this matter. Defendants include said affirmative defenses in order to preserve the right to assert them. Defendants reserve the right to withdraw any affirmative defenses upon completion of discovery and if warranted by the facts.

By including certain defenses herein, Defendants do not concede that they have assumed any applicable burned of proof.

By way of further answer and affirmative defenses to Plaintiff's complaint,

Defendants state and allege as follows:

- 1. Plaintiff's complaint fails to state a claim upon which relief may be granted.
- 2. Plaintiff's complaint may fail to state a claim or controversy on which declaratory judgment may be entered.
 - 3. The claims in Plaintiff's complaint may be barred.

1	4.	Defendants' damages were caused by the acts and omissions of Defendant
2	AMCE in fai	iling to adequately train, monitor, and supervise its employee, Jeremy Senske.
3	5.	Plaintiff failed to mitigate its damages.
4		V. PRAYER FOR RELIEF
5	WHE	EREFORE, Defendants request a judgment against the Defendant:
6	(a)	Dismissing Plaintiff's complaint with prejudice and with costs;
7	(b)	For all Defendant's attorney's fees and costs incurred herein; and
8	(c)	For such further relief as the court deems just and equitable.
9	DAT	ED this 22 nd day of November, 2021.
10		CONNELLY LAW OFFICES, PLLC
11		Dec /-/ Commet I Delocion
12		By <u>/s/ Samuel J. Daheim</u> Samuel J. Daheim, WSBA No. 52746 2301 N. 30 th St.
13		Tacoma, WA 98403
14		Phone: (253) 593-5100 E-mail: <u>SDaheim@connelly-law.com</u>
15		CONNELLY LAW OFFICES, PLLC
16		Dry /-/ I-lan Commoller
17		By <u>/s/ John Connelly</u> John R. Connelly, Jr., WSBA No. 12183 2301 N. 30 th St.
18		Tacoma, WA 98403
19		Phone: (253) 593-5100 E-mail: <u>JConnelly@connelly-law.com</u>
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